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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1378  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 4311  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 4567  
RUEHKA/AMEMBASSY DHAKA PRIORITY 9671  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2559  
RUEHLO/AMEMBASSY LONDON PRIORITY 3963  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 9689  
RUEHKO/AMEMBASSY TOKYO PRIORITY 0840  
RHEFDIA/DIA WASHDC PRIORITY  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 001183

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SUBJECT: CABINET REVOKES OVER 100 POLITICAL APPOINTMENTS

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b,d).

Summary  
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1. (U) The Cabinet on May 7 recalled twelve Ambassadors and revoked over 100 political appointments made since October 4, 2002 when the King took over executive power for the first time. The Cabinet has not yet published a list of all those affected by the decision. However, the Ministry of Foreign Affairs confirmed that the Cabinet had recalled Nepali Ambassador to the U.S., Keda Bhakta Shrestha. On May 5, the Cabinet announced that former Supreme Court Chief Justice Krishna Jung Rayamajhi would head a judicial Commission to probe atrocities committed by security forces and other officials during the April 6-24 people's movement. End Summary.

Cabinet Recalls 12 Ambassadors  
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2. (SBU) The Cabinet on May 7 decided to revoke all political appointments made since October 4, 2002, when the King ousted the government of Prime Minister Sher Bahadur Deuba and took over executive power for the first time. The Cabinet also recalled twelve ambassadors. Home Minister Krishna Prasad Sitaula stated that the Cabinet decision was effective immediately. He noted that the envoys were appointed by the "regressive" governments of the past and could not "portray an exact picture of the country in the changed context." The Ministry of Foreign Affairs confirmed that the Cabinet had recalled Nepali Ambassador to the U.S., Keda Bhakta Shrestha. The Ministry's Administrative Office was preparing a formal recall letter.

Uncertainty Over Other Annulled Posts  
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3. (U) The government was in the process of writing to all of the political appointees informing them of the Cabinet's decision. The decision affected over 100 political appointees working in various corporations and semi-governmental agencies, though the Cabinet had yet to publish a list of all appointments affected by the decision. Several Members of Parliament also were publicly demanding

the resignation of heads of constitutional bodies for failure to protect the independence of autonomous constitutional bodies under their control, including Chief Justice of the Supreme Court, Chief Election Commissioner, and Chief of the Commission for the Investigation of Abuse and Authority (CIAA), and the chiefs of all security agencies.

#### Retribution in the Forefront

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¶4. (U) The Cabinet on May 5 announced that former Supreme Court Chief Justice Krishna Jung Rayamajhi would head a five member judicial Commission to probe atrocities committed by security forces and other officials during the April 6-24 people's movement. Home Minister Sitaula announced that the Commission would be powerful enough to interrogate "anyone." Rayamajhi told the press on May 7 that "anyone" could include the King. Sitaula noted that the government was still considering whom to appoint as the other Commission members, and what would be the time frame of the Commission. The Commission was tasked with making recommendations to the government on the limits and types of action against all those involved in "committing excesses against the people."

¶5. (C) Narendra Pathak, Deputy Attorney General, told Emboff that Rayamajhi was well respected, but added that those named as human rights abusers by the Commission would undoubtedly call his work biased. Pathak said that the courts would be available to those labeled culpable by the Commission if they chose to refute the charges. Supreme Court Spokesperson Ram Krishna Timilsina commented to us that the Commission "should reflect the expectations of the people." He wanted to withhold judgment on the process to see whether the Commission's report was impartial.

#### Comment

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¶6. (C) Revoking past political appointments will create a lot of vacancies to portion out to loyal political cadre. However, painting with such a wide brush could also weaken vital institutions. As the balance of power between the judiciary and the legislative branches is important in a democracy, it would be particularly ill-advised for the Parliament to interfere in the workings of the courts and threaten judicial independence. The first shoe has dropped with the recall of the twelve Ambassadors. Some of the remaining 100 political appointees could be from important national institutions such as the National Human Rights Commission or the CIAA, both of which should play key roles during the transition.

MORIARTY